Press Inquiry: Fox Hill Vineyard / 509 Bashford Road — ZBA Variance Application

Joshua Powell <Josh@thepowellhousepress.com>
To: dpersing@herzoglaw.com
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Dear Chairman Persing:

My name is Joshua Powell. I am a journalist covering the pending variance application for accessory use at 509 Bashford Road, submitted by Dr. Edwin Williams of Fox Hill Vineyard, and I am writing to you in your capacity as Chair of the Chatham Zoning Board of Appeals.

I would appreciate your response to the following questions for an article I am currently preparing:

1. When does the ZBA expect to render a decision on Dr. Williams' application for a variance for accessory use on his residential property to operate a tasting room?

2. How/when will the decision be publicly announced, and through what channels will it be made available to residents and interested parties?

3. Could you describe the process by which the Board will arrive at its decision — specifically, what criteria and standards the ZBA is applying in evaluating this application?

4. I would like to understand the Board's rationale for opening the question of accessory use — which is fundamentally a matter of law and zoning interpretation — to a public hearing. Typically, whether a proposed use qualifies as an accessory use under the zoning code is a legal determination made by the Board based on the ordinance itself. What prompted the decision to subject this legal question to the public hearing process?

5. Are you aware of a business relationship between Chatham Town Supervisor Donal Collins and Dr. Williams? Specifically, Mr. Collins leases land adjacent to the Fox Hill Estate from Dr. Williams. Given that the Town Supervisor has a direct financial relationship with the applicant, does the ZBA have any concerns about the potential for a conflict of interest in the Town's handling of matters related to this property?

6. Are you aware that while the ZBA was engaged in this matter Dr. Williams had already approached the county to change his property's zoning, basically making whatever decision made by the ZBA moot?

7. Any thoughts on a 52-acre property with 400 vines and no measurable and verified crop, livestock, farm employees, or product sales, owned by a full-time surgeon claiming to be a farming operation?

8. Any thoughts about the known devaluation of others' property values when such an operation (that would include the opportunity under the Ag and Markets law(s): wedding venues, entertainment, and alcohol use) is allowed in what is a residential neighborhood?

Also, curious — I learned you've done some work for OPMC. In this capacity, having worked closely with medical professionals — and I am not in any way suggesting any wrongdoing on Dr. Williams' part — but am looking at the "optics": thoughts on an otolaryngologist selling a product to the public that is in fact classified as a Level 1 carcinogen and a leading cause of oral and laryngeal cancers?

I am happy to discuss any of these questions by phone if that would be preferable.

Respectfully,

Joshua Powell

Sent from the desk of Joshua Powell, The Powell House Press